

Remarks

Applicants appreciate the examiner's time in reviewing the new claims prior to this submission. The results of her review were transmitted in a telephonic interview with the undersigned representative on March 24, 2011. The linguistic suggestions of the examiner have been incorporated into the claim set as amended.

It is respectfully submitted that the amendments to claim 1 obviate the rejection under §112, second paragraph of claims 1-30. Similar language has been used in the new claims. In view of the amendments, we ask that the rejection be withdrawn.

Claims 1, 2, 13, and 17 are provisionally rejected as non-statutorily obvious over the claims of co-pending application S.N. 12/512,585. This application has not yet been examined. Today, the U.S. Patent and Trademark Office indicates its status as "Docketed New Case - Ready for Examination." Therefore, it appears that the subject application will be ready for grant prior to the reference application. The M.P.E.P. indicates that when the provisional double patenting rejection is the only rejection remaining in at least one of the applications, the rejection should no longer be maintained. See § 804, subpart 1.B and §822.01. Rather, the first application should be granted, and the second application should then be subjected to a non-provisional double patenting rejection. In view of this practice, we request that this application be processed for grant as the first to reach this post.

By making this request, applicants do not forego the opportunity to argue that the two sets of claims are patentably distinct. Rather, the appropriate place to make such arguments is in the second application that the U.S. Patent and Trademark Office recognizes as allowable.

Applicants request that this application be expeditiously processed for allowance and grant.

Respectfully submitted,

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